

REMARKS/ARGUMENTS

1. In the above referenced Office Action:
 - a. Claims 1-3, 5, 8-11, 13, 14, 42-46, 50-52, 54 and 55 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908) in view of Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131);
 - b. Claims 6, 7, 47 and 48 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908), Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131) further in view of Leone (U.S. Patent No. 6,901,153);
 - c. Claims 15 and 56 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908), Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131) further in view of Tsuge (U.S. Patent No. 5,995,709).

The rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-3, 5-11, 13-15, 42-48, 50-52 and 54-56.

2. Claims 1-3, 5, 8-11, 13, 14, 42-46, 50-52, 54 and 55 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908) in view of Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131). The applicant respectfully disagrees with this rejection and the reasoning thereof. Claims 1 and 42 include the following:

Claim 1

receiving the set of channels as a single time division multiplexed stream of data packets via a communication path from the multimedia server;

interpreting segments of the stream of data packets to identify data of the channel of interest by identifying data packets corresponding to the channel of interest from the single stream of data packets;

Claim 42

receive the set of channels as a single time division multiplexed stream of data packets from the multimedia server via a communication path;

interpret segments of the stream of data packets to identify data of the channel of interest by identifying data packets corresponding to the channel of interest from the single stream of data packets;

In setting forth the basis of the rejection, the Examiner looks to Shaffner for the disclosure relating to a multiplexed data stream. While Shaffner combines channels from different sources, this system operates in an entirely different fashion. In particular, Shaffner includes the following disclosure.

The FM modulator 48 of each transmission path then converts each baseband video signal to a frequency modulated or FM signal, and the FM signals of each of the transmission paths are frequency division multiplexed together by a combiner 50 and then sent to the diplexer 24 (FIG. 2).

Optionally, a digital video encoder (not shown) can be coupled between the TV tuner 46 and the FM modulator 48 in each transmission path, to employ frequency shift key (FSK) modulation. Alternatively, each FM modulator 48 can be replaced by a combination of a video encoder (not shown) and a phase shift key or PSK modulator (not shown) to employ PSK modulation. While the latter embodiment would likely be significantly more expensive to construct than the frequency-modulation embodiment described above, it will be evident to those skilled in the art that a digital (PSK) transmodulator would permit the use of more aggressive video compression techniques which would permit more television channels to be accommodated in a given bandwidth. [Col. 5, line 58 – Col. 6, line 10]

Shaffners system transmodulates signals (via FM, FSK or PSK) and then frequency division multiplexes these signals together. This allows Shaffners tuner to demodulate and isolate a particular channel of interest to be passed to a television unchanged (see e.g. Col. 4, lines 60 – 66). In contrast to claims 1 and 42, Shaffner's system does not generate or receive a "set of channels as a single time division multiplexed stream of data packets" from a multimedia server. Shaffner does not create a single data stream, rather, Shaffer's system simply frequency modulates different channels and sends these channels in parallel as separate data streams over different

frequencies so that a conventional satellite tuner can be employed. Shaffner lacks the functionality to generate and receive a single time division multiplexed stream of data packets that includes data from multiple channels, -- not to mention the functionality to interpret such streams and isolate a channel of interest from such a combined stream.

This deficiency in Shaffner is not corrected via its combination with either Paul Foster or Wang. For each of these reasons, claims 1 and 42 are patentably distinct.

Claims 2-3, 5, 8-11, 13, 14, 43-46, 50-52, 54 and 55 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claims 1 and 42 over the present rejection are applicable in distinguishing claims 2-3, 5, 8-11, 13, 14, 43-46, 50-52, 54 and 55 over the same rejection.

3. Claims 6, 7, 47 and 48 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908), Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131) further in view of Leone (U.S. Patent No. 6,901,153). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 6, 7, 47 and 48 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claims 1 and 42 over the present rejection are applicable in distinguishing claims 6, 7, 47 and 48 over the same rejection.

4. Claims 15 and 56 have been rejected under 35 USC § 103 (a) as being unpatentable over Schaffner (U.S. Patent No. 6,104,908), Paul (U.S. Patent No. 6,381,745), Foster (U.S. Patent No. 7,675,876) and Wang (U.S. Pub. No. 2001/0013131) further in view of Tsuge (U.S. Patent No. 5,995,709). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claims 15 and 56 are dependent upon claims 1 and 42 and introduce additional patentable subject matter. The applicant believes that the reasons that distinguish claims 1 and 42 over the present rejection are applicable in distinguishing claims 15 and 56 over the same rejection.

CONCLUSION

For the foregoing reasons, the applicant believes that claims 1-3, 5-11, 13-15, 42-48, 50-52 and 54-56 are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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